



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EAG/JDG/CMP
F.#2008R00530

271 Cadman Plaza East
Brooklyn, New York 11201

April 8, 2011

By ECF

The Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Thomas Gioeli, et al.
Criminal Docket No. 08-240 (S-6) (BMC)

Dear Judge Cogan:

The government writes in connection with defendant Thomas Gioeli's application dated today to allow him to be transported from the Metropolitan Detention Center ("MDC") by the United States Marshals Service ("USMS") in order for Gioeli to view his late father's body prior to burial.

In the defendant's letter, he requests that the Court order the USMS to transport the defendant from the MDC to either the funeral home where the wake for his father will take place on Sunday, April 10 or Monday, April 11, or to the church where the funeral will take place on Tuesday, April 12, "to permit Mr. Gioeli two hours with his mother, wife, and daughters to view his father's body and pay his final respects." (Ltr. from Adam D. Perlmutter, Esq., to the Court, dated April 8, 2011 at 2). The government understands that USMS policy precludes the transportation of pre-trial defendants such as Gioeli to public locations such as a funeral home or church. The government defers to the position of the USMS, who is in the best position to assess the risks involved in transporting an inmate such as Gioeli - who poses a risk of flight but also a danger to the community - from the MDC to a public location such as a funeral home or church. (See Gov't Ltr. in Support of Detention dated December 18, 2009 (Docket No. 178); Gov't Ltr. in Opp'n to Def.'s Mot. for Release, dated Jan. 28, 2010 (Docket No. 547)). Accordingly, the government opposes Gioeli's application.

The Honorable Brian M. Cogan
April 8, 2011
Page 2

Thank you for your consideration of this letter.

Respectfully submitted,

LORETTA E. LYNCH
UNITED STATES ATTORNEY

By: /s/James D. Gatta
Elizabeth A. Geddes
James D. Gatta
Cristina M. Posa
Assistant U.S. Attorneys

cc: Adam D. Perlmutter, Esq. (by ECF)
Carl J. Herman, Esq. (by ECF)
Clerk of the Court (BMC) (by ECF)